

**BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, AUGUST 16, 2005
ABLONDI ROOM**

Attendance: Katherine E. Murphy, Chair; John H. Stasik, Vice Chair; Charles J. Sisitsky, Clerk; A. Ginger Esty, Member; Dennis L. Giombetti, Member

Staff: George P. King, Jr., Town Manager; Mark J. Purple, Assistant Town Manager; Scott T. Morelli, Executive Assistant

Meeting called to order at 6:33 PM.

MOVED: To move into executive session for the purposes of discussing litigation regarding the Nexum case, health collective bargaining, and ongoing crime with the intention of moving into open session at 7:00 PM.

Motion: Mr. Stasik Second: Ms. Esty

VOTE: 5-0

Upon returning to open session at 7:27 PM, Ms. Murphy read the agenda.

PUBLIC PARTICIPATION

Mr. Robert O'Neil spoke in favor of blue ribbon committees that investigate issues and report back to the Board and Town Meeting. He noted the Housing Plan Study Committee, the PILOT Committee, and the possibility of having a Route 126 Underpass Committee. Mr. O'Neil felt that another blue ribbon committee was needed to investigate illegal immigration and requested that the Board to appoint such a committee.

Mr. William LeBarge, a Town Meeting Member from Precinct 16, requested that benches be put outside of the Ablondi Room for when executive sessions run long.

Walk to Prevent Homelessness – J. Michael Dineen

Mr. Dineen stated that three years ago his organization, MetroWest Outreach Connection, began assisting homeless families in the motels by providing them with hot meals and nonperishable goods. He said that as the state began moving people out of the motels, into shelters, and eventually into some type of housing, his organization began to realize that they needed to focus on homeless prevention. Mr. Dineen said that his organization became a 501(c)(3) nonprofit entity and raised money to help people in rent arrears and people who needed a security deposit to obtain permanent housing. He said that his organization raised \$105,000 last year and gave out \$70,000 to 114 needy families and individuals through grants. Mr. Dineen said that all of these individuals and families were in the low income range and that the amounts granted to individuals and families ranged from \$125 to \$1,800. He said that his organization worked with other agencies such as Catholic Charities, SMOC, South Middlesex Legal Services, and Advocates to identify needy candidates. He said that many people had a need for this service but that there was not enough money to go around. Mr. Dineen said that MetroWest Outreach

Connection's only fundraiser was its annual Walk to Prevent Homelessness. He stated that this event will occur on Sunday, September 25, 2005 at the Center Common, with registration beginning at 12:30 PM and the walk beginning at 1:00 PM. Mr. Dineen said that last year the walk raised \$10,500 and that the organization hoped for more this year as they anticipated needing about \$100,000 to keep helping people. He encouraged citizens to walk or sponsor a walker and stated that the organization's administrative costs were only 2.1% and that there were no paid staff. Mr. Dineen said that more information was available on their website at www.mwoconnection.org.

Ms. Esty asked if Mr. Dineen was aware of SMOC's program and if he worked with DCHD's program that helps first time home owners. Mr. Dineen responded that they did not work with that Department and that they typically did not assist people who are able to afford housing, rather they help get people into apartments and pay for the security deposit and first/last months' rent.

Ms. Murphy asked how many people in Framingham were served. Mr. Dineen stated that his organization helped anyone in the Metrowest area and said that 61% of the people they served were in Framingham. Ms. Murphy asked where someone would go if they lost their apartment due to a lack of assistance. Mr. Dineen responded that if someone was evicted then they could live with family if possible or in a shelter, if they qualified for one.

Mr. Stasik thanked Mr. Dineen and the organization for doing all of this work on a volunteer basis and said that they served an important need in the community.

PUBLIC HEARINGS

Consideration of a request for a Fortune Teller's License – Deborah Freeman

Ms. Freeman said that she just opened a shop in the Saxonville area and needed a fortune teller's license to read tarot cards. She said the shop had existed for five weeks.

Mr. Sisitsky referenced a letter from Lt. Wuorio indicating that there were no problems with issuing the license but noted concerns about the Town's by-law. He said the letter noted that the last fortune teller license issued was in the 1980s and that Lt. Wuorio implied that the town by-law is out of date. Ms. Murphy suggested sending this concern to the policy subcommittee.

MOVED: To grant a Fortune Teller's license to Deborah Freeman.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5-0-0

Consideration of appointments

Constable – Armand A. Tavarez

Ms. Murphy noted the report from Chief Steve Carl indicating that he found no reason to not to appoint Mr. Tavarez. She also noted that Mr. Tavarez was fluent in Spanish and could communicate in sign language, a point with which Mr. Tavarez agreed.

Mr. Stasik asked whether this was a fairly routine appointment done by the Board. Ms. Murphy stated that it was and that the Board felt that the Constable was an important enough position for the applicant to appear before the Board.

Mr. Tavarez said that the position was an honorable one to hold and that he would be doing it part-time because he recently became the owner of A & J Grocery. He said that he also had a notary certificate. Mr. Tavarez said that he held a Connecticut pistol permit for fourteen years and has had one in Massachusetts for nearly one year. He said that he was a hard worker, was always looking to better himself for the sake of his family, and that he was honored to be before the Board.

Ms. Murphy said that Mr. Tavarez must be very busy, especially since he just opened a store. Mr. Tavarez agreed and said that he had one employee in addition to his wife who would cover for him when he was acting as Constable.

Mr. Giombetti queried as to how many Constables there were in the Town and if there were any openings. Mr. King said there was a policy but that it did not specify a set number. Mr. Giombetti asked how many Constables were currently in the Town to which Ms. Murphy and Mr. King responded thirteen. Ms. Murphy noted that Mr. Tavarez seemed to be a hard working individual with a strong set of skills.

MOVED: To appoint Armand A. Tavarez as Constable.

Motion: Mr. Giombetti

Second: Ms. Esty

VOTE: 5-0-0

Human Relations Commission – Timothy Lee

Ms. Murphy noted that there were several seats open on the Commission and asked Mr. Lee why he was interested.

Mr. Lee stated that he had lived in Town for ten years. He said that as he learned languages from other cultures he liked to engage with people from those cultures to find out more about them. Mr. Lee said that he began attending Commission meetings and had interesting discussions with the members and now he wanted to help the Commission work towards its mission.

Mr. Sisitsky noted a very strong letter of recommendation from Ms. Edwina Weston-Dyer, the Chair of the Human Relations Commission.

Mr. Giombetti asked if the minutes from the Commission had been made available to which Mr. King replied that he was informed that the Commission will file these soon.

MOVED: To appoint Timothy Lee to the Human Relations Commission.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5-0-0

Metropolitan Area Planning Council (MAPC) Representative (3 year term)

Ms. Esty, the current MAPC Representative, stated that she would like to be reappointed and that she had held this position since Ms. Valerie Mulvey's first term as a Selectman. She noted that MAPC dealt with regional planning for 101 towns and cities – including Boston – and that it was a good way to share information with other communities. Ms. Esty said that in MAPC she sat on two committees: the legislation committee and the economic development committee. She said that she had been Secretary and was also currently on the Executive Committee. Ms. Esty said that the MAPC required a large time commitment as well as experience. She said that this position currently does not have an alternate but if proposed legislation passed to allow an alternate she suggested this person attend meetings with her so that they could establish the liaisons and connections that she had.

Mr. Sisitsky stated that he supported the reappointment of Ms. Esty but was concerned that the Board received a letter from MAPC dated August 2, 2005 that advised them that the term expired on August 8, 2005. He said that this was not fair to the Board because they usually advertised for vacant positions. Ms. Esty suggested having this position be a part of the overall appointments so that the Board could keep better track of it, which Mr. Sisitsky felt was a good idea. Ms. Sisitsky suggested having the term expire on June 30, 2008, with which Ms. Esty agreed.

MOVED: To appoint Ms. Ginger Esty as the representative to the MAPC for three years.

Motion: Mr. Stasik

Second: Mr. Giombetti

VOTE: 5-0-0

Consideration of Senate Bill No. 1947 – Town Counsel's Recommendation

Mr. King said that this legislation eliminated the need for the MBTA to place onerous language in their lease terms. He said that Town Counsel recommended sending a letter to area legislators in support of this Bill.

Mr. Sisitsky stated that the town had already agreed to said onerous lease terms and wondered if the Bill passed if the Town could be released from this language. Mr. King said that this was the hope and queried as to whether the lease signed by the Town was the final lease. Ms. Murphy said that it was a one year lease.

MOVED: To send a letter to the appropriate legislators indicating the Board's support for Senate Bill 1947 and to ask them to make an effort to have this bill heard as soon as possible.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5-0-0

Ms. Murphy said that this was a Bill created by Sen. Pamela Resor. She said that Sen. Resor was quietly doing a lot of work for area communities and that the Board should send Rep. Resor a letter thanking her for work, especially on open space issues.

MOVED: To send a letter of appreciation to Sen. Pamela Resor.

Motion: Mr. Stasik

Second: Mr. Sisitsky

VOTE: 5-0-0

Conference – William Taylor, CEO, Advocates

Mr. Taylor handed out materials to the Board and offered an apology to anyone who was offended by his agency not appearing before the Board when first invited. He said he wanted to better understand the situation before he came before the Board. He promised to talk about the work his agency does to anyone at any time.

Mr. Taylor gave the Board a PowerPoint presentation which included the history and mission of Advocates, profiles on citizens they served, how they sited their group homes, laws and court decisions, and future plans in Framingham.

Mr. Taylor introduced Ms. Mary Beatrice, a parent of an Advocates client and a Framingham resident; former Sen. Ed Burke, an Advocates Board member for the past fifteen years; and Diane Gould, the Senior Vice President of Advocates. Ms. Murphy thanked them for coming.

Mr. Giombetti said that he spoke with Mr. Taylor over the last few weeks and invited him to the subcommittee meeting for social services. He said that Mr. Taylor enthusiastically agreed to attend.

Ms. Esty stated that she had been able to speak with Mr. Taylor and Sen. Burke prior to this meeting and asked them to explain a state law or court decision that closed institutions. Mr. Taylor said that the Supreme Court's Olmstead decision made it illegal to keep people in institutions and also mandated that states and localities help people who are coming out of these institutions and live in the community.

Ms. Esty noted her concern that social service agencies placed a cost on the Town in terms of extra policing and that such costs are being explored by the PILOT committee. She also stated a concern under 40(b) that dealt with building units in the community and that they are not necessarily in places that the Town would like them to be built. Ms. Esty said that some of the social service agencies had living situations that were subsidized but are called transitional housing and therefore are not counted in the 10% that the Town is looking to maintain. She asked Mr. Taylor whether he considered Advocates' living arrangements as transitional housing and as being not counted. Mr. Taylor responded that he was unsure when it started being transitional and stopped being permanent. He said that people with psychiatric disabilities had the ability to move to their own place but that some people had been in homes for twenty five years. Ms. Esty said it was important for the Board to determine whether these are transitional and if they

could be counted. Mr. Taylor stated that he felt a vast majority of them were permanent housing.

Ms. Esty asked about a situation that occurred on Concord Street. Mr. Taylor said that there was a problem with a lot of cars being parked there six months ago but that Advocates recognized this problem and corrected it. Ms. Esty asked if the damage from these cars parking there had been fixed to which Mr. Taylor responded that if Advocates did damage then they would fix it. Ms. Esty said that was part of being a good neighbor, with which Mr. Taylor agreed.

Mr. Giombetti asked if Advocates had day program services and if so to talk a bit about them. Ms. Gould said that Advocates provided day habilitation services to about 130 people with developmental disabilities from 8:30 AM – 2:30 PM. She said they received occupational and physical therapy, behavioral treatment, recreation and leisure activity, skill building, and an employment support program to help these people find jobs and teach them the skills they needed to become employed. Ms. Gould said that Advocates also provided on job support to disabled individuals along with their employers. Mr. Giombetti asked if this program had its roots in SMART and Mr. Taylor said it did.

Mr. Giombetti asked if there were day programs for psychiatric clients. Ms. Gould said that there was not such a model. Mr. Taylor said there was a program in Framingham run by Programs for People on Lincoln Street.

Mr. Stasik thanked Advocates for coming in and asked what latitude Advocates had in regard to informing a community that a home would be coming into a neighborhood. He also asked who made the decision as to what clients get placed in a specific community, as the Board often heard that Framingham had a larger share of group homes than did other communities. Mr. Taylor said that he could only speak to the work done by Advocates. He said that their clients were spread out all across the state. Mr. Stasik asked how the decision was made as to where to house clients. Mr. Taylor said it was a complicated process. He said the state puts out an RFP for individuals who need services for a set amount of money. Mr. Taylor said that Advocates would then submit a response as to what they could do with that amount of money for the individual. Mr. Taylor said that in the instances where their proposal was successful that they would have a discussion with the state about the individual's compatibility. He said that Advocates typically looked for a place for five people but with developmental disabilities there is often physical disabilities associated with this so they usually try to find a five bedroom ranch, which he said was very hard to find. Mr. Taylor said that they will look for a home in an area where there is a meaningful tie for the client. In response to the second question, Mr. Taylor said that the courts were very clear about the prohibition of the notification of neighbors when a home enters an area because once a neighborhood finds out to the time that the home opens is a time of the most anxiety. He said that the longer this process was the more people became set in their beliefs. Mr. Taylor said it was best when there was a short amount of time between when the neighbors knew and when the home opened so that they could meet their new neighbors. He said that opening these homes were not dangerous and did not affect property values. Mr. Taylor said that the people who took the brunt of the anger of neighbors at first were the sellers. He said if

Advocates notified a neighborhood before they had a binding agreement with a seller that people would often try to do things to the seller to get them to pull out of the deal, which he said was illegal. Mr. Taylor said this is why they get the agreement first, notify the neighbors, and have an open house.

Mr. Sisitsky asked if every residential property in Framingham had a 24-hour staff. Mr. Taylor said they did not. He said about half of the residential clients lived in their own place but that staff visited them as needed, especially those with psychiatric disabilities. Mr. Sisitsky asked what the largest number of people in a residential setting was to which Mr. Taylor responded that the largest in a group home setting in Framingham was nine. Mr. Sisitsky asked if the home on Vernon Street had more, to which Mr. Taylor responded that it had eight and that it was not a group home but rather it was individual apartments. Mr. Sisitsky asked if these were individuals as opposed to families living in these properties. Ms. Gould said that Advocates supported some people in residential services who were couples, some of whom were married. She said they served many people who were parents or grandparents but not any that were living with children under 18. Mr. Sisitsky asked if people in the Ashland facility were just residential people or if there were other people in the community to whom Advocates provided services. Ms. Gould said that some of the clients were duplicated with people who received services from Advocates and as an example some might go to a Framingham group home and to the Ashland day habilitation program.

Ms. Murphy asked if moving people out of institutions was a much healthier and more normal existence. Mr. Taylor said that Advocates mission was centered and founded on closing institutions. Ms. Murphy asked if the buildings had to be situated in such a manner so that they could have access to transportation and services. Mr. Taylor said that would be ideal, especially when someone had a job. He said that most of their clients were on SSI and received about \$700 per month. Mr. Taylor said that the state made Advocates take 75% of this amount so these people did not have money for transportation for themselves. Ms. Gould said that many things get in the way of people with disabilities enjoying a rich and meaningful life like many others are entitled to and that living in smaller settings was more beneficial for these people. She said Advocates could help these people get back to work, have families, and live fully in their communities.

Ms. Esty said that a complaint the Board often heard from Town Meeting was that the properties owned by social services agencies come off the tax rolls. She said that the Town liked it when agencies leased their properties because the Town received taxes from such arrangements. Ms. Esty wondered if there was a way that Advocates could lease property to some profit-making arm of their agency so that they could pay taxes. Mr. Taylor said that he hoped the Town saw Advocates as giving back to the community. He said the reason for so many mergers and consolidations was because the programs had been given level funded contracts and that they had no cost of living adjustments since 1987. Mr. Taylor said that his agency was doing everything it could to save money. He said he would hate to be in a situation where Advocates was seen as taking and not giving back to Framingham.

Mr. Giombetti asked if the state dictated which clients Advocates should serve when they received new funding for a program. Mr. Taylor said that the state did not dictate but rather strongly suggested clients from their priority list and that they tried to match people who were compatible with one another. He said people were usually sited within 10-15 miles of their hometown. Mr. Giombetti asked how new clients were referred to Advocates. Mr. Taylor said referrals also came from the state. He said all residential clients come through the state. Mr. Taylor said that there was a lot of client choice involved in where they go. Ms. Gould said that when people came to Advocates they looked at their needs and determined if there was a program with a vacancy that matched their needs and compatibilities. Mr. Taylor said that group homes were not generic. He said much of his agency's growth was not a result of new programs but rather taking over what other agencies had done. Mr. Taylor said that while Advocates was expanding, the number of people being served in Framingham had not changed that much.

Mr. Sisitsky stated that he was unsure whether federal non-discrimination policies allowed Advocates to bypass local zoning. He asked Mr. Taylor whether Advocates employed the Dover Amendment in terms of claiming that group homes served an educational purpose or if they met zoning bylaws by not having more than a certain number of people living in a house in a residential neighborhood. Mr. Taylor said that over the years this had been done in a variety of ways. He said most homes opened now were small so it is not a zoning issue but if they were doing something larger it was a different procedure to follow. Mr. Taylor said that there was a large home in Marlborough where they received a HUD grant to renovate a building for 20 people. He said that they went through the ZBA process though they could have used 40(a) to do the project. Mr. Taylor said Marlborough asked Advocates to pay a PILOT however Advocates was unable to do so. He said Ashland had once tried to stop Advocates from coming in to a neighborhood and that they went to court as a result. Mr. Taylor said Advocates was not interested in going to court, rather they were interested in working with the town. He said if Advocates was buying a single-family house that he would not expect this to be an issue any more than it would be for anybody else.

Ms. Murphy asked if other representatives from Advocates would like to speak.

Ms. Mary Beatrice, age 90, said that her son had been with Advocates since he was 18. She said Advocates had done a wonderful job with him and did not know what she would have done without them.

Sen. Burke said that he had been on the Advocates Board of Directors since the mid-1990s. He said there were a few people on their board who were Framingham residents and that they made sure the agency was run professionally and that they looked at the same questions that the Town had raised. Sen. Burke said that he wanted to ensure Advocates had a good relationship with the Town. He said he lived close to a group home on Parker Road that was very well run. Sen. Burke said that he would like to think that all Advocates' homes would be good neighbors and be accepted after a while. He said that he wanted to make sure Advocates was not too clustered and that they were having someone inventory their houses so they knew what was needed for capital improvements. Sen. Burke said that they had an advisory board dealing with PILOT

issues and that he welcomed further dialogue regarding whatever the PILOT committee recommendations might be.

Ms. Murphy said that the Town leaders must be concerned about social service agencies lowering property values and asked for Mr. Taylor to speak to this issue. Mr. Taylor noted one of the slides in his presentation that referenced the web sites of 85 studies done, particularly on group homes, which found that property values did not decline as a result of their presence.

Ms. Murphy asked Mr. Taylor what he felt Advocates gave back to the community. Mr. Taylor said that the agency's founders saw people in the community struggling without the services they needed. He said that Advocates had helped many people participate and become contributing members of communities over the last 30 years. Mr. Taylor added that his agency employed a lot of people and that they paid taxes on two-thirds of their properties in the Town. He said that the renovations to buildings performed by his agency actually brought property values up in the area. Mr. Taylor said that there were a few properties that they were not proud of but that they were working to fix them up.

Ms. Murphy asked if anyone from the audience had questions for Advocates.

Mr. William LeBarge said that he was pleased that Advocates came to speak to the Board and that he was impressed with their presentation. He said he was also reasonably impressed with the amount of operations that they had outside of the Town. Mr. LeBarge said that all communities should share the burden of housing social service agencies. He said that there were several social services operations within a mile of where he lived and that he did not want to get rid of these agencies but that he also didn't want to see them become too concentrated.

Ms. Kathy McCarthy, the Precinct 10 chair and member of the Disabilities Commission, thanked Advocates for presenting. She said that anytime a home goes up for sale neighbors are concerned as to who the new neighbor will be. Ms. McCarthy said she knew that employees of social services agencies gave more than they got back in terms of salary. She expressed concern over those in a group home getting all of the services and help that they needed because of low and capped funding. Ms. McCarthy said that part of her advocacy for disabled people was to promote an understanding. She said that when an agency came in to a neighborhood with a legal document of sale and a "this is the way it is" attitude that this did not promote an understanding with a neighborhood. Ms. McCarthy cited an example in her neighborhood where she went up to the group home to introduce herself as a member of the Disability Commission and a Town Meeting Member. She said she did not see a supervisor there, even though there was supposed to be 24-hour supervision. Ms. McCarthy was concerned that State money paid for that supervision but that it did not occur. She suggested having framed information on the door as to who to contact in an instance such as this and that there was a need to ensure that services were being received by these residents. Ms. McCarthy said she wanted more information on how more than four unrelated people were able to live in a group home.

Mr. Peter Adams, from Precinct 11 and a member of STEPPS, thanked Advocates for attending this meeting and said that their presentation was very informative. He suggested putting the presentation on Advocates' web site, which Mr. Taylor said he would. Mr. Adams asked about the number of licensed social workers employed by the agency. He cited recent studies regarding property values that have found that individual homes did not have an impact on property values but that concentrations of clinics and group homes did. He cited a study by a professor at Wayne State University.

Ms. Gould said that Advocates had a number of different programs, some of which required licensed clinicians. She said that in residential programs, the direct service workers generally had a bachelor's degree in some human service-related field and sometimes also had field experience. Ms. Gould said their Program Managers generally had bachelor's degrees while some had Master's degrees. She said that the Clinical Workers were licensed clinicians and that some were social workers and some were counselors.

Ms. Murphy thanked Advocates and called for a five minute break. The Board resumed their meeting at 9:26 PM

Ms. Murphy noted that the Board had changed its meeting schedule due to quorum issues and that there would be no meeting on August 23, 2005. She said the next meeting would be held on August 30, 2005 and that the meeting after that would be held on September 13, 2005. Ms. Murphy said that at that point in time the Board would resume their weekly meetings.

Route 126/135 Letter – Mr. Stasik

Mr. Stasik spoke about the letter he sent to the Board regarding Route 126/135. He said that in 1996-97 a fairly extensive study was conducted by Rizzo Associates that produced a report on alternatives for correcting the railroad crossing at route 126/135. Mr. Stasik said that a committee formed by the Board convened, made their recommendations, and the Board voted to choose one of the twelve alternatives. He said that nearly a decade had passed and that the issue still lingered. Mr. Stasik said that the report noted that it would cost between \$40-\$50 million to put 126 under 135 and the tracks. He said that in the past year there had been a tremendous amount of interest in increasing the Worcester service to Boston and Framingham, which he felt was a good idea. Mr. Stasik noted that this would have a large impact on the Town, including the amount of time that the intersection would be blocked. He said that to work on downtown revitalization while having increased traffic blockages were contrary to one another and that is why this issue needed to be addressed. Mr. Stasik said that the Governor indicated that there would be a source of funding available for this project and that there could be additional funding from the federal government. Mr. Stasik said it was crucial to revisit the report, get together with the Town's professional staff, possibly invite Rizzo to present on their report, and then to host a meeting with the community. He suggested reestablishing a new citizen's advisory committee and to have them set a timeline. Mr. Stasik proposed a meeting on September 13, 2005 to begin this process.

Mr. Giombetti said that this was a great proposal and Ms. Esty agreed. She said that the Town was on a list to have the project started in 2016, which she said may mean never, especially because of the cost. Ms. Esty said the Town currently had leverage because Boston's trash was coming through on trains in heavier loads and that people had noticed trash falling off these trains in downtown. She suggested raising questions with Boston and CSX to see what could be done about this.

Ms. Murphy said she had asked Mr. Sisitsky and Mr. Stasik to work with Worcester to let them know the Town's concerns and requirements. She said this was a critical issue and that she was an advocate of public transportation. Mr. Stasik said that he and Mr. King had been attending the meetings of mayors, which Worcester's mayor also attended. He said that the mayor made a public comment at the Transportation Summit that Framingham is in a position to work effectively in order to make this project happen. Ms. Esty said that Worcester had wanted a side rail going up to Marlborough and that Marlborough had wanted to establish an industrial corridor along the railroad tracks. She said this is something that the Town had to watch.

Mr. Stasik said that he and Mr. Sisitsky could come back to the Board with a suggestion as to how to proceed.

Mr. Sisitsky said that he was not too concerned about the fact that the project is on a list for 2016 because if the Town can get everyone on board with this issue then there were ways to short circuit that date. Mr. Sisitsky stated that he and Mr. Stasik would come to the August 30, 2005 meeting with a recommendation.

Mr. Robert O'Neill said that he was involved with the previous committee. He said that there were many different components to the downtown and that the Town had achieved a number of these, including cultural and housing goals. Mr. O'Neill said that the transportation component took longer and that the Town needed to be patient.

Ms. Kathy McCarthy said that the Marlborough project referenced by Ms. Esty would be a direct hit on her precinct so she would like to be kept informed of the issue, which Ms. Murphy said the Town would do.

Report of the Policy Subcommittee

Ms. Murphy said that the subcommittee had been looking at several issues but they would only be addressing the alcohol issue at this time. Mr. Stasik noted two major changes regarding cover charges and hours of operation. Ms. Murphy said that the impetus for looking at these changes stemmed from Police Chief wanting the Town to have its policy in line with Massachusetts General Laws.

Mr. Sisitsky noted the last paragraph on page six regarding the hours of operation. He said that this read that patrons were not allowed to bring alcoholic beverages on the premises for consumption. Mr. Sisitsky wondered whether this meant licensed premises or any restaurant. He asked if this meant that there could not be a BYOB restaurant in Town, to which Mr. King responded yes. Mr. Sisitsky asked if the wording should read

“patrons are not permitted to bring alcoholic beverages on any premises.” Mr. King said that this was what the intent was. He said a license wasn’t needed for BYOB and added that the policy was for people who already held a license and that the policy should read for any restaurant or place of entertainment in Framingham.

Mr. Sisitsky asked if this could be added to the common victualer’s policy. Mr. King said that it could read any premises with a common victualer’s license. Ms. Murphy asked if that would cover it to which Mr. King responded that it should. Mr. Stasik wondered if this fell under the guise of public consumption, and asked whether or not someone could bring a six pack to a Bingo Game at the Civic League, as an example. Mr. King replied that if the Board approved this policy then this would not be allowed. Mr. Stasik said the Board should approve this as a separate policy. Ms. Murphy suggested changing the wording on this policy, voting on it, and then to ask the Chief for wording on the other suggestion. Mr. Sisitsky said the way the policy was written was fine for what the Board was doing but that it did not cover those without a license. Mr. King said that there was a need to better define the grey areas.

MOVED: To accept this proposed change and to have the Policy Subcommittee continue to work on other issues.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5-0-0

Town Manager’s Report

Senior Center

Mr. King said that he toured the senior center yesterday and that the inside showed great improvement. He said that they hoped to be open next week for seniors and to then have the ribbon cutting ceremony at 10 AM on September 12, 2005. Ms. Murphy asked if the name would be changed to which Mr. King replied that it would have the same name but that a room would be named after one of the major donors. Ms. Murphy said she had seen that the sprinkler system was installed and that she was hoping for something that used less water. Mr. King said that he didn’t know about the system until yesterday. Ms. Esty wondered if it could be rigged to be a drip system.

Web Site Blog

Mr. King said that he started a web log, also known as a “blog”, today on the Town’s web site. He said this would allow the Town to communicate information to the public on a regular basis. Mr. King said that other managers in the area were interested in doing this. He said that the Town’s Technology Services Department should be credited for getting this up and running quickly and making it look appealing.

Ms. Esty asked for an update about the PUD and bringing the fill in from Natick. Mr. King said that Ms. Esty had inquired about the legality of accepting fill that appears to be coming from the Natick Mall. He said things that might control this issue were grandfathering and the PUD agreement itself. Mr. King said that there were various interpretations from various sources and that he asked Mr. Jay Grande, Chair of the Planning Board, and Mr. Joe Mikielian, Head of Inspectional Services, to submit their

views to Town Counsel so the Town could have a legal ruling on this issue. Mr. Sisitsky asked if the question was whether NE Sand could accept this fill and said he noticed some of the trucks were heading to other locations. Ms. Esty said that the fill was brought from an area that was a sewer bed and demolition area and that it should be tested. She said she thought they were supposed to stop operation at their gravel pit. Mr. King said that is the issue that was most in question and that is why the Town needed Town Counsel's ruling. Ms. Esty said that the other issue was that the issue of 50 years of operation grandfathering. She said that it is usually an agreement with a Town for a gravel pit operation and suggested that they produce their permit. Mr. King said that the Building Commissioner was of the opinion that the operation is grandfathered for that use. He said they didn't have permission to build anything at this point and before they did they would have to file. Ms. Esty said that while they were in the state they had submitted plans in subdivisions that cut in to the overlay. Mr. King said that he couldn't speak to technicalities of that but that was the issue that is going to the Town Counsel's office. Ms. Esty suggested finding the original permit for the gravel removal, which she thought would be from around 1939. Mr. King said that he was not aware of any gravel removal permits, to which Ms. Esty replied that it was referred to in the water study. Mr. King said he would report back with more information.

Ms. Esty said she was concerned with Mr. King's decision as to when to activate the Veteran's Health Insurance and pay differential. She wondered if Town Counsel would have an answer to questions submitted by her. Mr. King said that he was pretty sure Mr. Petrini had answered those questions and that he could get a copy to Ms. Esty.

Mr. Sisitsky noted a letter addressed to the Chairman from the District Attorney's Office regarding their findings about an alleged violation of the Open Meeting Law and wondered if it had been released to the newspaper as a public document. Mr. King said he would release everything that the newspaper wanted.

Selectmen's Reports

Mr. Stasik said that he had a discussion with local planners and officials on the regional transit agency. He said they brainstormed ideas about what they thought this agency would entail and how to go about forming one. Mr. Stasik noted that there were numerous bills before the legislature that would give communities the option to join some other regional transit agency other than the one that they are currently a member of. He said he would keep the Board apprised of any updates.

Mr. Stasik said that it was brought to his attention that the concrete batching plant on route 30 was being moved to Paul's Loam establishment adjacent to the turnpike. He said that he was told this was coming before the ZBA but he was not made aware of this issue. Mr. Stasik said that the neighborhood would be very concerned about the issue. Mr. King said he became aware of the issue at 7:00 PM and believed that it came before the ZBA that evening. He said the application came in with Mr. Kennedy, a ZBA planner, who was going to ask the ZBA to table consideration of the issue because there had been no staff in Town Hall to review the application. Ms. Esty asked if the Board should act in case the ZBA met before the next Board meeting. Mr. King said that they

wouldn't meet before the Board met again in two weeks. Mr. Giombetti said he did not remember seeing a ZBA agenda with this issue on it.

Ms. Murphy said that she attended a transportation visioning session that Mr. Stasik chaired and thought that he did an excellent job.

Ms. Esty said that she had a chance to accept an invitation from Sen. Barrios to go on an island jaunt in Boston Harbor. She said she was in on the beginning of that island alliance of at least 10-11 nonprofits and the federal government and state agencies. Ms. Esty said that the harbor was cleaner, the alewife were back, and that the islands had been cleaned up and were useable.

Mr. Sisitsky stated that he became a grandfather for the first time yesterday at 9:30 AM. He said his granddaughter, Samantha, was born in Boston weighing in at 7 pounds, 8 ounces and was 18 inches long. Mr. Sisitsky said his granddaughter was beautiful with hazel eyes and a dimple.

Mr. Giombetti said that he and Ms. Murphy attended a grand opening at Amazing Things, an arts and cultural center in Pinefield. He said this was a great addition to the Framingham community. Mr. Giombetti said he had the privilege of throwing out the first pitch at a Little League Cal Ripken tournament a few weeks ago and that it was amazing to see the effort that went in to that program. He said that the volunteers did not get enough credit for their work.

Mr. Giombetti said that he attended the first meeting of the PILOT task force and offered them any help that the Board could give. He said that the committee chair was Bob Berman. Mr. Giombetti said that the social service subcommittee would meet in a few weeks and that all four agencies had agreed to participate.

Mr. King updated the Board that the ZBA had postponed the concrete batching plant issue.

Ms. Murphy said that she had scheduled a conference to look at immigration issues specific to Framingham and the Metrowest area on Friday, August 28, 2005 from 8 – 10 AM (location TBA). She said that they were looking for local sponsors. Ms. Murphy said that Mass Inc would be there to present information from their report. She said they would contemplate doing a part two of the conference if needed.

Ms. Murphy said that she received an invitation to the dedication of the Mayo-Collins Square on August 27, 2005 at 4:00 PM. She said that she would prepare a citation from the Board for that event. Ms. Murphy suggested sending a letter of thanks to Senator Resor for her work as well.

Mr. Giombetti said that the Board had previously discussed recognizing Mr. Fitts for his sign and asked for an update. Mr. King said he would look into this issue.

Ms. Murphy said she was interested in hearing an update on the TIP and the arcade and asked that Ms. Kathy Bartolini update the Board on the matter.

Ms. Murphy said that the next meeting would be held on August 30, 2005.

MOVED: To adjourn at 10:21 PM.

Motion: Mr. Sisitsky

Second: Mr. Stasik

VOTE: 5-0-0

Respectfully submitted,

Charles J. Sisitsky, Clerk